

TRANSPORTATION COMMITTEE

ADMINISTRATIVE RULES REVIEW

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2007 Legislative Session

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IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.02.22 - RULES GOVERNING MILEAGE USE FEE ADMINISTRATION

DOCKET NO. 39-0222-0601 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 49-201, 49-434, AND 49-439, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The entire rule has been reorganized and updated to recognize the new method of fee payments, based on registration and permit fees, per Senate Bill 1580, 2000. Changes also address quarterly reporting requirements, installment payments, refunds, delinquent or non-payment of fees, suspension or revocation of a customer account and methods of payment. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Volume 06-10, pages 509 through 525.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Sections 49-439(7) and 28-22-105, Idaho Code. Late penalty fee of 10% plus 1% per month for failure to pay installment payment on Commercial Vehicle Registration by due date, and \$40 fee to reinstate suspended payment plan account or reinstate customer account for non-payment authorized per Section 49-439(7), Idaho Code. \$20 fee for non-sufficient fund check authorized per Section 28-22-105, Idaho Code.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Alan Frew, Motor Vehicle Administrator, 334-8809.

DATED this 15th day of November, 2006.

THIS NOTICE WAS PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that

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IDAHO TRANSPORTATION DEPARTMENT
Rules Governing Mileage Use Fee Administration**Docket No. 39-0222-0601**
PENDING RULE

this agency has proposed rule-making procedures. The action is authorized pursuant to Section(s) 49-201, 49-434, and 49-439, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rule-making will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2006.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a non-technical explanation of the substance and purpose of the proposed rule-making:

The entire rule has been reorganized and updated to recognize the new method of fee payments, based on registration and permit fees, per Senate Bill 1580, 2000. Changes also address quarterly reporting requirements, installment payments, refunds, delinquent or non-payment of fees, suspension or revocation of a customer account and methods of payment.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased.

Late penalty fee of 10% plus 1% per month for failure to pay installment payment on Commercial Vehicle Registration by due date, and \$40 fee to reinstate suspended payment plan account or reinstate customer account for non-payment authorized per Section 49-439(7), Idaho Code. \$20 fee for insufficient fund check authorized per Section 28-22-105, Idaho Code.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars ((\$10,000)) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULE-MAKING: Pursuant to IDAPA 04.11.01.811, negotiated rule-making was not conducted because changes reflect current standards and criteria in Idaho Code regarding the administration of motor carrier registration and permits, per Senate Bill 1580, 2000.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Alan Frew, Motor Vehicle Division, 334-8809.

Anyone may submit written comments regarding this proposed rule-making. All written comments must be directed to the undersigned and must be delivered on or before October 25, 2006.

DATED this 23rd day of August, 2006.

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Linda L. Emry, Management Assistant
Budget, Policy, Intergovernmental Relations
Idaho Transportation Department
3311 West State Street
P O Box 7129
Boise ID 83707-1129
Phone - 208-334-8810
FAX - 208-334-8195

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

**39.02.22 - RULES GOVERNING ~~MILEAGE USE~~ REGISTRATION
AND PERMIT FEE ADMINISTRATION**

000. LEGAL AUTHORITY.

This rule is adopted under authority of Sections 49-201, 49-434, ~~49-436~~, and 49-439, Idaho Code.
(11-1-94)()

001. TITLE AND SCOPE.

~~This rule clarifies the procedure for administering the mileage use fee.~~ (11-20-91)

01. Title. This rule shall be cited as IDAPA 39, Title 02, Chapter 22, "Rules Governing Registration and Permit Fee Administration." ()

02. Scope. This rule clarifies the procedures for administering registration and permit fees. ()

002. WRITTEN INTERPRETATIONS.

There are no written interpretations for this chapter. ()

003. ADMINISTRATIVE APPEALS.

Administrative appeals under this chapter shall be governed by the provisions of IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General." ()

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. ()

005. OFFICE -- OFFICE HOURS -- MAILING AND STREET ADDRESS -- PHONE NUMBERS.

01. Street and Mailing Address. The Idaho Transportation Department maintains a central office in Boise at 3311 W State Street with a mailing address of PO Box 7129, Boise ID 83707-1129. ()

02. Office Hours. Daily office hours are 8:00 a.m. to 5:00 p.m. except Saturday.

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Sunday and state holidays. ()

03. Telephone and Fax Numbers. The central office may be contacted during office hours by phone at 208-334-8611. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

All records associated with this chapter are subject to and in compliance with the Idaho Public Records Act, as set forth in Sections 9-337 through 9-350, Idaho Code. ()

0027. -- 009. (RESERVED).

010. DEFINITIONS.

~~**01. Carrier Type.** There are two (2) types of carriers; commercial carriers and special commodity carriers as specified in Section 49-434(4) and (5), Idaho Code. (11-1-94)~~

021. Combination of Vehicles. A tractor or truck tractor and one (1) or more trailers and/or semitrailers. (11-20-91)

02. Customer. The individual or entity that is registering/permitting the vehicle. The following terms; customer, individual, company or registrant are interchangeable in this rule. ()

03. ~~Declared Combined Gross Vehicle Weight.~~ ~~The total unladen weight of any combination of vehicles plus the maximum load to be carried on that combination of vehicles as declared by the owner in making application for registration.~~ Insufficient Funds (ISF). ISF will be the abbreviation as it pertains to checks written on personal and/or business checking accounts without sufficient funds to cover the check, for payment to the department. (11-1-94)()

04. ~~Full Trailer.~~ ~~A vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.~~ Non-Reducible Load. Defined in IDAPA 39.03.01, "Rules Governing Definitions," Subsection 010.31. (11-20-91)()

05. ~~Mileage Rate.~~ ~~The mills per mile expressed in cents, used to calculate the amount of use fee due for every mile traveled on Idaho highways. (11-20-91)~~

06. ~~Owner.~~ ~~The carrier company or lessee who has at least one (1) vehicle registered pursuant to Section 49-434, Idaho Code, and is authorized to operate a taxable vehicle on Idaho highways. (11-1-94)~~

075. Probable Cause. Information sufficient to create a reasonable belief that the ~~owner~~ registrant of a motor vehicle(s) has either not paid fees due or has under reported miles traveled or has underpaid fees due. (11-1-94)()

086. Quarterly Report. The ~~report~~ form for ~~owners~~ registrants to report the laden miles traveled on Idaho highways during the preceding three (3) months when transporting non-reducible vehicles/loads under annual overweight/oversize permits. (11-1-94)()

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097. Revocation of Registration. The termination of ~~an owner's~~ registrant's vehicle registrations and authority to operate on Idaho highways for failure to comply with requirements specified by the Department and Idaho Code. (11-1-94)()

08. Registrant. A person, firm, or corporation in whose name a vehicle or vehicles are registered, with an Idaho account number assigned by the department. ()

09. Road Use Fee. The fee per mile paid for non-reducible vehicles or combinations of vehicles hauling non-reducible loads. The fees are based on the number of axles on the vehicle or combination of vehicles and the total gross weight, in addition to the registration fee. ()

10. Semitrailer. ~~A vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle.~~ (11-20-91)

140. Suspension of Registration. The temporary withdrawal of ~~an owner's~~ registrant's vehicle registrations and authority to operate on Idaho highways for failure to comply with requirements specified by the department and Idaho Code. (11-1-94)()

11. Third-Party Checks. Checks payable to one entity, and endorsed over to another entity for payment. ()

12. Tractor. ~~A motor vehicle designed and used primarily for drawing other vehicles but not so constructed as to carry a load other than part of the weight of the vehicle and load so drawn.~~ (11-20-91)

13. Travel Authorization. ~~An authorization issued by a Port of Entry for which a fifty dollar (\$50) fee is charged to move an overweight load not exceeding fifteen percent (15%) over maximum axle or axle group weights which cannot be safely legalized at the place of weighing to the nearest place where the load can be safely adjusted. Refer to Sections 49-436(2)(c) and 49-1001(8)(b), Idaho Code.~~ (11-1-94)

14. Truck Tractor. ~~A motor vehicle designed and used primarily for drawing other vehicles but so constructed as to carry a load other than the vehicle and load so drawn.~~ (11-20-91)

15. Vehicle Configuration. ~~The actual number of vehicles in the combination of vehicles or, for single trailer combinations, the size of the trailer and/or the number of axles on the trailer. No vehicle can have more than one (1) declared weight.~~ (11-20-91)

011. -- 099. (RESERVED).

100. MILEAGE QUARTERLY ROAD USE FEE REPORTINGS FOR ANNUAL OVERWEIGHT PERMITS.

~~Each owner who declares a maximum gross weight of sixty-two thousand (62,000) pounds or more, will receive a quarterly reporting form representing the maximum gross weight declared by the owner. The owner is then required to report all miles of travel on Idaho highways and pay at~~

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~~the fee rate established for the maximum gross weight, declared by the owner. The owner is further required to maintain records to support and justify all miles of travel as provided for in Sections 800, 801, or 805 of this rule. To comply with Section 49-1001, Idaho Code, the customer will make quarterly reports of laden only mileage to the department for the movements of non-reducible vehicle/loads, at the appropriate permitted weight level of the annual overweight/oversize permits. These fees are in addition to the registration fees otherwise required to be paid to the department. Mileage for single trip overweight/oversize permits is determined and collected at the time of issuance.~~ (11-1-94)()

101. QUARTERLY ROAD USE FEE REPORTING ~~PROCEDURE~~.

01. Quarterly Reporting Forms Issued. The department will issue a quarterly report form to ~~owners~~ customers for each ~~registered carrier type and weight of sixty-two thousand (62,000) pounds maximum gross weight or more~~ valid annual overweight/oversize permit issued to them. (11-1-94)()

02. Use of Quarterly Reporting Form. The ~~owner~~ customer is required to report each quarter's information on the form provided before the due date specified on the quarterly report form. (11-1-94)()

a. If the ~~owner~~ customer does not receive a quarterly report form, it is the ~~owner's~~ customer's responsibility to notify the department allowing adequate time to submit the report before the due date. (11-1-94)()

b. Any report transmitted through the ~~United States mail~~ US Postal Service shall be considered filed and received by the department on the date shown by the post office cancellation mark stamped on the envelope or wrapper containing the report. A postage meter cancellation shall not be considered as a post office cancellation mark. (11-20-91)()

c. If the quarterly report form due date falls on a Saturday, Sunday or legal holiday, the due date will be extended to the next business day. In the event the department is late mailing the quarterly report form the due date shall be adjusted by the department. (11-1-94)

03. Information Required on the Quarterly Report Form. ~~Owners~~ Customers must report the following: (11-1-94)()

a. The number of laden miles traveled on Idaho highways for ~~each declared combined gross vehicle weight class traveled on Idaho highways~~ the appropriate weight category for the quarter specified on the quarterly report form, rounded to the next full mile; and the ~~mileage road~~ use fee due for each weight class; and penalty, if the report is filed after the due date. (11-1-94)()

b. Total amount due. (11-20-91)

c. Signature; and title of company official, and date of report. All reports filed with the department must be signed by an authorized representative of the ~~owner~~ company/individual in order to be considered a valid report. (11-1-94)()

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d. Address change, if different from quarterly report form. (11-20-91)

e. ~~Company~~ Customer telephone number ~~(11-20-91)~~(____)

102. -- 199. (RESERVED).

~~200. REQUEST FOR PENALTY WAIVER.~~

~~**01. Penalty Waiver Request.** An owner may submit a penalty waiver request in letter form to the Motor Vehicle Accounting Manager, P.O. Box 34, Boise, Idaho 83731-1129. (11-1-94)~~

~~**02. Penalty Waiver Request Due Date.** A penalty waiver request must be received by the Department within thirty (30) days after the quarterly reporting due dates established by Section 49-436, Idaho Code, or within fifteen (15) days after receiving a billing due date notification. (11-20-91)~~

~~**03. Penalty Waiver Conditions.** A request for penalty waiver will be considered when the following conditions exist and can be verified by the owner to the satisfaction of the Department: (11-1-94)~~

~~**a.** Accounting records are unavailable due to an unforeseen occurrence beyond the control of the owner such as flood, fire or crime. (11-1-94)~~

~~**b.** A change in the business structure of the entity or other condition which prevents records from being current for reporting purposes. (11-20-91)~~

~~**04. Other Fees Due.** All other fees due, except the penalty in question, must be paid in full by the billing due date. The waiver applies to the penalty only. (11-20-91)~~

200. INSTALLMENT PAYMENTS FOR COMMERCIAL VEHICLE REGISTRATION.

The department offers a Payment Plan for registrants in compliance with Sections 49-434, Idaho Code. (____)

01. Requirements to Participate in Installment Payments. (____)

a. Participant must sign participation contract agreement. (____)

b. Only Full Fee and Idaho IRP registration fees are included in the payment plan. Other jurisdictions' IRP fees shall not be included. (____)

c. Only full annual registration fees shall be included in payment plan. Registrations for less than one full year shall not be included. (____)

d. Vehicles not registered within thirty (30) days after the previous year registration has expired shall not be eligible for the installment payment option. (____)

e. Installment contract requirements do not provide opportunity for registrant to opt

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out of any remaining installment payments. The balance of the payment plan shall continue to be paid even if the truck is not being operated. ()

f. If registrant sells vehicle or otherwise disposes of vehicle, and the applicant provides proof of sale, upon returning the license plate, registration certificate, and validation sticker, the prorated portion of the Idaho fee shall be credited toward the installment plan or refunded if the plan has been paid in full. ()

g. Registrant shall not participate in installment payment plan if the registrant's account has previously been suspended due to non-payment of previous payment plan. ()

h. The contract shall stipulate the payment periods and the installment confirmation letter shall stipulate the due dates of each subsequent payment. ()

02. Billings, Payments and Due Dates of Installment Plan. ()

a. The department shall upon acceptance of the contract by the registrant, receive one-quarter of the annual registration payment, and then shall bill the registrant for three (3) equal installments based upon the previously set payment periods outlined in the contract, which are the third, sixth, and ninth months after the effective date of the registration. ()

b. All installment payments are due no later than the last day of the month in which the billing is due. ()

c. US Postal Service postmark shall be used to determine if payment is received on time. If the envelope is postmarked on or before the last day of the month, the payment shall be considered "on time". ()

d. If the last day of the month falls on a Saturday, Sunday or legal holiday, the next business day shall be considered the due date. ()

e. Non receipt of the department's billing notice does not relieve the burden of the registrant to pay the installment amount by the due date. ()

03. Failure to Pay Installment Payment by Due Date. ()

a. The department shall send out courtesy pre-suspension notices to registrants who have failed to remit payment by the due date printed on the quarterly billing. ()

b. The pre-suspension letter shall contain a late penalty fee of ten percent (10%) of the amount due and an additional one percent (1%) for each month or portion of a month that the payment is past due. ()

c. Registrant shall pay installment amount portion that is due, plus assessed penalties and interest. ()

04. Suspension of Registrant's Account Due to Non-Payment of Payment Plan.
Approximately two (2) weeks after pre-suspension notices are mailed to the registrant, the

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department shall suspend accounts of registrant's that have failed to remit installment payment and/or interest and penalty. ()

05. Reinstatement Fee for Payment Plan Registration. ()

a. A forty dollar (\$40) reinstatement fee shall be applied to all payment plan accounts that have been suspended. ()

b. Registrant must pay quarterly payment portion, penalty and interest, if applicable, and reinstatement fee before suspension shall be cleared from account. ()

06. Repetitive Suspensions Result. After accounts of registrant's have been suspended for delinquent installment payments two (2) or more times in one (1) payment plan year, the registrant shall not be allowed to participate in future payment plan programs. ()

201. -- 299. (RESERVED).

Section 300 has been Renumbered and Moved to Section 700

300. REFUNDS.

01. Fees Eligible for Refund. ()

a. Commercial vehicle registration is eligible for refund when the criteria in Section 49-434, Idaho Code, are met. ()

b. If account has been overpaid, and no other fees are owed to the department. ()

c. Unexpired portion of Idaho based fees are refundable for: ()

i. A vehicle that has been sold; ()

ii. A vehicle that has been damaged beyond repair; or ()

iii. A vehicle on which the lease has been terminated. ()

02. Fees Not Eligible for Refunds: ()

a. Other jurisdiction's fees are not refundable by Idaho. ()

b. Temporary trip permits are issued for specific vehicles only and fees are not refundable, nor transferable to other vehicles. ()

03. Request for Refunds: ()

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a. Registrant can make a request for refund of fees from the department. The refund request must include: ()

i. Proof of sale of the vehicle; ()

ii. Proof from the insurance company or law enforcement agency that the vehicle has been damaged beyond repair; or ()

iii. Proof of lease termination from the leasing company. ()

b. Request shall be subject to audit as provided in Idaho Code. ()

c. All refund requests shall be reviewed by a Commercial Vehicle Services supervisor to ensure that all requests are valid and eligible. The Revenue Operations supervisor shall also approve/disapprove refunds. If the refund amount is greater than or equal to one thousand (\$1,000) dollars, a Financial Services manager shall also review and approve/disapprove the request before refund is processed. ()

d. Approval/disapproval shall be indicated by either signature, or electronic approval by means of the department's financial management system. ()

Sections 301 and 302 have been Renumbered to Sections 701 and 702

3031. -- 399. (RESERVED).

Section 400 has been Renumbered and Moved to Section 800

400. DELINQUENT BILLS FOR NONPAYMENT OF OVERLEGAL PERMITS.

01. Payment Options. A customer may request overlegal permits to be issued without prepayment. The customer may pay when he picks up the permit at the nearest Port-of-Entry or at the department. ()

02. Non-Payment of Overlegal Permits. If the customer fails to pick up the permit, the permit fee is still due and not dependent upon receipt of the permit, unless customer has requested to cancel the permit prior to the valid date of the permit. ()

a. The department will send a billing notice to the customer requesting payment. The amount is due within fifteen (15) days of the date of the notice. ()

b. The customer's account will be suspended thirty (30) days after the original billing for non-payment of fees. If the account is suspended, it will be subject to a reinstatement fee of forty dollars (\$40). ()

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c. A demand notice will be sent out thirty (30) days after account has been suspended with all the fees due, including original permit amount, and reinstatement fee. ()

d. The customer account will remain suspended if fees are uncollected. After sixty (60) days from the date of suspension, the account will be assigned to a collection agency. ()

401. -- 499. (RESERVED).

Section 500 has been Renumbered and Moved to Section 900

500. NON-PAYMENT OF FEE ACCOUNT BILLINGS FOR OVERLEGAL PERMITS.

01. Fee Accounts. A customer may opt to have a fee account with the department for convenience of ordering overlegal permits. A fee account may be established by the department for the customer provided that the customer: ()

a. Is not suspended or in revoked status. ()

b. Pays a cash bond or provides a surety bond. The bond shall be equal to the value of permits required for any consecutive three-month period, except that no bond shall be less than one thousand (\$1,000) dollars. ()

01. Charging. A customer may “charge” over-legal permits to their fee account. ()

02. Billing Notice. The department will send a billing notice to the customer on or about the first of each month. The amount is due within fifteen (15) days of the date of the notice. ()

03. Suspension. The department will suspend customer account(s) thirty (30) days after the original billing notice date if the account is not paid in full. ()

04. Second Notice. The department will send a demand letter for payment to the customer approximately thirty (30) days after the account has been suspended. ()

05. Collections. When the department determines the amount is uncollectible, the account will be assigned to a collection agency. ()

501. -- 599. (RESERVED).

~~600. AUDIT AND INSPECTION OF RECORDS AND ACCOUNTS.~~

~~01. Who Is Subject to Audit. Owners of commercial and farm vehicles registered under Section 49-434, Idaho Code, are subject to audit to determine if the proper schedule of~~

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~~mileage use fees and/or registration fees is being used.~~

~~(11-1-94)~~

~~**02. Availability of Records.** An owner must produce and make available for audit and examination at any reasonable time, the records, accounts, papers, reports and other documents under the owner's control. Examples of records are shown in Sections 800, 801, and 805. (11-1-94)~~

~~**03. Unavailable Records.** If the owner does not have required records for audit, thirty (30) days will be given to make such records available. If records are not made available after thirty (30) days, the owner's registrations will be suspended and/or a finding made based upon an estimation of the operation. The records shall be made available at a location agreed upon between the owner and the department. (8-4-95)~~

~~**04. Location of Audit.** Audit of required records will normally be conducted at the owner's place of business. The owner is expected to provide adequate working space and conditions for the audit staff. If the owner is unable to do so, the records may be presented at a designated place. This may be done at the request of the Department or the owner. (11-1-94)~~

600. INSUFFICIENT FUNDS.

Insufficient Funds will be indicated by the abbreviation ISF.

()

01. Payment With Insufficient Fund Check. If a customer pays a fee prescribed by law, and the check is returned to the department as ISF, the transaction will be cancelled because the fee has not been paid.

()

02. Pay the Original Transaction Fees. The department will attempt to contact the customer, and allow him to pay the original transaction fees, along with the twenty dollar (\$20) fee.

()

03. Collection. The department will assign all ISF checks including a twenty dollar (\$20) fee to a credit agency for collection.

()

04. No Further Transactions. The department will not complete further transactions with the customer until the customer has paid the amount of the ISF check along with the twenty dollar (\$20) ISF fee.

()

05. Department Reserves the Right to Not Accept Checks. The department reserves the right to not accept checks from a customer who has written two or more ISF checks within four (4) years to the department. That customer will have to pay with cash, or verifiable check, or credit card.

()

601. AUDIT SELECTION, ASSIGNMENT, AND INVENTORY.

~~**01. Audit Period.** An owner of motor vehicles subject to fees pursuant to Title 49, Chapter 4, Idaho Code, shall not be selected for an audit more than once every five (5) years unless probable cause as defined by this rule exists. (11-1-94)~~

~~**02. New Owners.** When audit scheduling permits, new owners and new operations~~

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will be scheduled for an audit within the first two (2) years after the beginning of their operation.
(11-1-94)

~~**03. Audit Selection.** Under the regular five (5) year audit cycle, the Department will select owners for an audit based upon an equitable mix of large, medium, and small operations together with a mixture of different industries; one-half (1/2) of the audits will be based upon the probability of recovery of unreported and unpaid mileage use fees. The other one-half (1/2) will be selected on a random basis. The selection criteria may include but is not limited to comparison of quarterly reporting pattern, comparison of fuel mileage reporting to mileage use fee reporting, comparison of International Registration Plan (IRP) miles to mileage use fee miles, and observation reports.~~
(8-4-95)

~~**04. Probable Cause.** If the Audit Supervisor or Motor Vehicle Accounting Manager believes that probable cause exists to audit an owner more than once in five (5) years in less than five (5) years, a written statement of facts will be prepared. The statement of facts shall include all pertinent information to support probable cause. The statement of facts shall be presented to the Registration Services Manager for review. The Registration Services Manager shall either approve or disapprove based on the statement of facts. If approved the statement of facts shall be forwarded to the Legal Section for review. If the statement of facts supports probable cause, the Chief Legal Counsel shall show agreement and return a signed copy to the Registration Services Manager. If probable cause is insufficient, the reasons why must be provided to the Registration Services Manager. The Registration Services Manager shall disapprove the request and set the proposed audit aside unless additional facts are available which will satisfy the Chief Legal Counsel's concerns. If an owner contests a probable cause finding in the District Court pursuant to Section 49-439, Idaho Code, the audit will be stayed until the court finds probable cause for an audit or the department and owner reach an agreement.~~
(8-4-95)

~~**05. Audit Assignment and Inventory.** Audit assignments shall be made by the Audit Supervisor or Audit Team Leader.~~
(11-1-94)

~~**a.** Owners will not be audited by the Auditor who did the immediately preceding audit of that owner.~~
(11-1-94)

~~**b.** An inventory of completed audits will be maintained by date of completion to ensure that an owner is not audited more than once in a five (5) years unless probable cause exists to do so.~~
(11-1-94)

601. ACCEPTANCE OF CHECKS.

The department will accept personal checks as form of payment with sufficient proof of identification. If check payment is received by mail, the check will be accepted unless the customer has written two (2) or more ISF checks within four (4) years to the department, per Subsection 600.05 of this rule.
()

~~**602. SCOPE OF AUDITS.**~~

~~**01. Purpose of Audit.** Audits will be conducted to verify the accuracy of reported miles traveled within the state of Idaho and amount of the use fee paid.~~
(11-20-91)

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~~**02. Determination of Gross Weight.** Audits will include determination of maximum gross weights at which an owner is operating. If the owner has vehicles registered for a maximum gross weight less than allowable by Section 49-1001, Idaho Code, for the vehicle configuration being operated. If it is determined that the owner is operating at a gross weight in excess of the vehicle's registered gross weight, a finding will be made based on the mill rate for the higher gross weight.~~ (11-1-94)

602. CREDIT CARD PAYMENTS.

The department will accept only Visa or Mastercard payments that do not exceed ten thousand (\$10,000) dollars for any fees due to or purchases from the department. (____)

603. ESTIMATED FINDING.

~~If the Department makes an estimated finding of the operation due to lack of records any available information relevant to the audit may be used to make the estimate. The information used may include but is not limited to fuel purchase and fuel reporting records, International Registration Plan (IRP) applications, observation reports, records of past mileage use fees reporting and reports of companies similar in size and operation.~~ (11-1-94)

604. AUDIT PENALTIES.

~~Penalties on additional use fees found to be due as a result of audit will be charged in accordance with Section 49-436(7), Idaho Code. When an estimated finding is made the penalty shall be in accordance with Section 49-436(6), Idaho Code.~~ (11-1-94)

605. PAYMENT OF AUDIT FINDING.

~~The owner will be billed by the Department for audit finding. Payment must be made within thirty (30) days of the billing date of the audit summary unless prior arrangements have been made.~~ (11-1-94)

606. WAIVER OF AUDIT ASSESSMENT PENALTIES.

~~**01. Penalty Waiver Request.** Request for penalty waiver as a result of an audit finding must be addressed to the Registration Services Manager, P.O. Box 34, Boise, Idaho 83731-1129. The penalty waiver request must be submitted within thirty (30) days after the audit billing. The request must clearly specify the reason why the owner feels the waiver should be approved. If the owner is appealing the audit in accordance with Subsection 700.02, the penalty waiver request must be included in the appeal request.~~ (11-1-94)

~~**02. Penalty Waiver Actions.** The Registration Services Manager may take one (1) of the following actions on penalty waivers:~~ (11-20-91)

~~**a.** On the first audit the Registration Services Manager may waive the penalty when requested by the owner unless the audit file shows intent to understate and/or underpay the tax due.~~ (11-1-94)

~~**b.** On a second or subsequent audit the Registration Services Manager may assess the full penalty for good cause shown, assess the one percent (1%) interest portion only for good cause shown, or if the Registration Services Manager finds that the owner is taking the necessary steps to correct the deficiencies found, he may hold the penalty in abeyance pending the next~~

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~~audit. If the penalty is held in abeyance, the Registration Services Manager shall initiate an agreement between the Department and the owner specifying the deficiencies found on the current audit. The agreement shall state that if the deficiencies of the current audit are not found, on the next audit the penalty held in abeyance will be formally waived. If the same deficiencies are found, the penalty held in abeyance shall be assessed along with any other unpaid fees and penalties found to be due.~~ (11-1-94)

~~c. As a condition of a penalty waiver, the owner and the department may initiate a written agreement stipulating that probable cause exists to conduct a follow-up audit in less than the five (5) years as specified in Section 49-439, Idaho Code.~~ (8-4-95)

6073. -- 699. (RESERVED).

700. APPEAL PROCESS.

~~01. **Who Can File.** Any owner whose account is audited for compliance with Sections 49-434, and 49-436, Idaho Code, and against whom a finding is made, may file an appeal with the Department.~~ (11-1-94)

~~02. **Method of Filing.** The notice of appeal must be in writing, signed by the owner or his representative, and addressed to the Registration Services Manager, P.O. Box 7129, Boise, Idaho 83707-1129. The appeal must be postmarked within thirty (30) days of the date the audit summary is given to the owner.~~ (11-1-94)

~~03. **Information Required.** The notice of appeal must clearly specify the following:~~ (11-20-91)

~~a. The years or quarters of years that are in dispute.~~ (11-20-91)

~~b. The grounds or reasons why the owner feels that the finding is in error.~~ (11-1-94)

~~c. Whether or not the owner wishes to have an informal conference.~~ (11-1-94)

~~04. **Scheduling of Informal Conference.** Upon receipt of a notice of appeal the Registration Services Manager shall schedule an informal conference between the owner and a representative of the Department unless the owner has requested that the informal conference be waived. The informal conference must be conducted within twenty (20) days from the date of receipt of the notice of appeal from the owner. If the owner waives the informal conference, the Registration Services Manager shall refer the appeal to the Chief of the Motor Vehicle Bureau for appointment of a hearing officer.~~ (11-1-94)

~~05. **Informal Conference Attendance.** Attendance at, and participation in, the informal conference is at the option of the owner. The owner and the representative of the Department shall reduce to writing all conclusions, agreements and decisions as a result of the informal conference. The written report of the results of the informal conference shall be provided to the owner within ten (10) days of the informal conference. The written report shall inform the owner of his right to appeal further pursuant to these rules.~~ (11-1-94)

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~~06. **Contested Case Hearing.** If the owner is not satisfied with the results of the informal conference, the owner may request a contested case hearing by informing the Chief of Motor Vehicles, in writing, within fifteen (15) days from the date of receipt of the results of the informal conference. All requests for contested case hearings shall be addressed to:~~

~~Chief of Motor Vehicles
Idaho Transportation Department
P. O. Box 7129
Boise, Idaho 83707-1129~~

~~(11-1-94)~~

~~07. **Hearing Officer.** The Chief of the Motor Vehicle Bureau shall appoint a hearing officer to conduct a contested case hearing in accordance with Chapter 52, Title 67, Idaho Code. A notice of hearing shall be mailed to the carrier, giving the carrier at least twenty (20) days advance notice of the hearing.~~

~~(11-20-91)~~

~~08. **Witnesses and Evidence.** Upon proper application by either party, the hearing officer may subpoena witnesses and require the production of documents and other evidence.~~

~~(11-20-91)~~

~~09. **Rules of Evidence.** The Idaho Rules of Administrative Procedure of the Attorney General shall apply to all hearings. The hearing officer, in his discretion, shall determine the order of presentation at the hearing.~~

~~(11-1-94)~~

~~10. **Preparation and Distribution of Findings.** The hearing officer shall prepare written Findings of Fact, Conclusions of Law and Preliminary Order for the agency's presiding officer. Upon receipt of the Findings of Fact, Conclusions of Law, and Preliminary Order the agency's presiding officer shall in accordance with the Idaho Rules of Administrative Procedure of the Attorney General issue a Final Order affirming, modifying or reversing the original finding. Upon issuance of the Final Order, the agency's presiding officer or his authorized designee shall mail a copy of the Findings of Fact, Conclusions of Law and Final Order to the owner by registered mail, return receipt requested.~~

~~(11-1-94)~~

3700. SUSPENSION OF REGISTRATION.

The department shall suspend ~~a~~ the vehicle registration(s) by notifying the owner registrant in writing sent via first class pre-paid mail to the owner's registrant's last known address if:

~~(11-1-94)(____)~~

01. Failure to Comply. The owner registrant fails to comply with a billing letter requesting payment of fees and penalties.

~~(11-1-94)(____)~~

02. Non-Filing by the Owner Registrant. The owner registrant does not file mileage quarterly reports or make installment payments to the department.

~~(11-1-94)(____)~~

03. ~~Failure to Provide Records.~~ ~~The owner fails to furnish requested records and/or documents to substantiate specified quarterly use fee reports.~~

~~(11-1-94)~~

3701. REVOCATION OF REGISTRATION.

The department shall revoke ~~a~~ the vehicle registration(s) if the owner registrant fails to comply

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with a suspension notice within fifteen (15) days of receipt of the notice, ~~or does not file an appeal pursuant to Section 49-436, Idaho Code.~~ (11-1-94)(____)

3702. REQUIREMENTS FOR REINSTATEMENT OF ~~SUSPENDED~~ REVOKED OR REVOKED SUSPENDED VEHICLE REGISTRATION.

01. ~~Re-Register~~ vocation. In the case of a revocation, ~~an owner~~ registrant must ~~re-register all vehicles~~, pay all fees due, and a forty dollar (\$40) reinstatement fee to be reinstated. (11-1-94)(____)

02. ~~Account Status~~ Suspension. In the case of a suspension all fees, reports, and records required prior to the suspension must be provided to the department, including a forty dollars (\$40) reinstatement fee to be reinstated. (11-1-94)(____)

7043. -- 799. (RESERVED).

~~800. MAINTENANCE OF RECORDS FOR OWNERS ENGAGED IN INTERSTATE TRAVEL.~~

~~Section 49-436(2), Idaho Code, provides that every owner whose use fees are computed under Section 49-434, Idaho Code, shall maintain records and purchase documents to substantiate and justify use of such schedule.~~ (11-1-94)

01. ~~Vehicles Registered for Declared Gross Weight Less Than Allowed.~~ Owners with vehicles registered for a declared gross weight less than allowed under Section 49-1001, Idaho Code, must maintain and provide for audit purposes records to verify the gross weight hauled and the miles of travel. (11-1-94)

02. ~~Vehicles Registered for Declared Gross Weight Equal to or Exceeding That Allowed.~~ Owners with vehicles registered at a declared gross weight that is equal to or exceeds the weight allowable under Section 49-1001, Idaho Code, for the configuration being operated must maintain and provide for audit purposes records to verify miles of travel. (11-1-94)

03. ~~Additional Requirements.~~ In addition to the requirements of Subsection 800.01 or 800.02 owners who operate under the provisions of Section 49-434(5), Idaho Code, must also maintain and provide for audit records of the product being hauled. If records of product hauled are not maintained and provided for audit all miles of travel shall be increased using the mill rate schedule in Section 49-434(4), Idaho Code. (11-1-94)

04. ~~Acceptable Source Documents.~~ An acceptable source document for verification of mileage and identification of the commodities being hauled if the owner is registered as a special commodity hauler is some type of Individual Vehicle Mileage Record (IVMR). IVMRs shall contain the following basic information: (11-1-94)

- a.** ~~Date of trip (starting and ending).~~ (11-20-91)
- b.** ~~Trip origin and destination.~~ (11-20-91)
- c.** ~~Route of travel including pick up and delivery locations.~~ (11-20-91)

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- ~~d.~~ *Total trip miles.* (11-20-91)
- ~~e.~~ *Mileage by state. (All Idaho miles are taxable except for miles traveled on roads maintained with private funds. All miles traveled on state highways, county and highway district highways, and city highways are taxable).* (8-4-95)
- ~~f.~~ *Unit number.* (11-20-91)
- ~~g.~~ *Vehicle fleet number, if any.* (11-20-91)
- ~~h.~~ *Registrant's name.* (11-20-91)
- ~~i.~~ *Trailer number.* (11-20-91)
- ~~j.~~ *Gross weight carried if registered for a gross weight less than allowable under Section 49-1001, Idaho Code, for the configuration being operated.* (11-1-94)
- ~~k.~~ *Driver's name.* (11-20-91)
- ~~l.~~ *Commodities being hauled if registered as a special commodity hauler.* (11-1-94)
- ~~05.~~ **~~Computer Printouts.~~** *Computer printouts are merely recaps and are not acceptable at face value. Computer printouts must be supported by IVMRs as verification of mileage traveled.* (11-1-94)
- ~~06.~~ **~~Individual Vehicle Mileage Records (IVMRs).~~** *Information recorded on IVMRs must be accurate and legible. Mileage figures entered on IVMRs can be obtained from various sources such as odometer and/or hubometer readings, as long as the method used is consistent. Recordings of actual mileage must include all movement of the vehicle including loaded, empty and bobtail miles.* (11-1-94)
- ~~07.~~ **~~Monthly and Quarterly Summaries.~~** *Individual trips should be accumulated into monthly and quarterly summaries. These summaries should be used as the basis for the miles submitted on the quarterly reports.* (11-1-94)
- ~~08.~~ **~~Fuel Purchase Records.~~** *Records of fuel purchased which show date, place of purchase and quantity of fuel purchased must be maintained.* (11-1-94)
- ~~09.~~ **~~Gross Weight Documents.~~** *Scale tickets, freight bills, or bills of lading or other documents which show gross weight and product being hauled must be maintained.* (11-1-94)

~~4800.~~ ENFORCEMENT.

01. Delayed Movement. *If the registration of an owner's vehicle is suspended and the owner has not filed an appeal within the time limit specified in Subsection 500.01, the Ports of Entry shall delay movement of the vehicle until such time as the owner registrant complies with the condition(s) that caused the suspension.* (11-1-94)(____)

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02. Revoked Registrations. If an ~~owner's~~ registrant's registrations are revoked for failure to respond to a suspension notice, the motor vehicle cannot be operated on Idaho highways until the ~~owner~~ registrant complies with Section 3702 of this rule. ~~Owners~~ Registrants with suspended or revoked registrations are not ~~allowed~~ eligible to purchase trip permits.

(11-1-94)(____)

~~801. MAINTENANCE OF RECORDS FOR OWNERS ENGAGED IN INTRASTATE TRAVEL.~~

~~Due to the operational diversity of owners engaged in intrastate travel, one (1) standard record keeping system would not be suitable for all types of operations. For a record keeping system to be acceptable it must contain at a minimum the following:~~

(11-1-94)

~~**01. Trip Logs.** Daily trip sheets or trip logs. These should show date, origin, destination and number of miles per trip.~~

(11-20-91)

~~**02. Log Documents.** Daily trip sheets or trip logs must be supported by load tickets, invoices, or other original source documents which can be used as verification of miles traveled.~~

(11-20-91)

~~**03. Weight Documentation.** Scale tickets, freight bills, invoices, or other documents which show the product being transported if registered as a special commodity hauler.~~

(11-1-94)

~~**04. Maintenance of Documentation.** Documents which show gross weight hauled must be maintained if the vehicles are registered for a gross weight less than allowable under Section 49-1001, Idaho Code, for the configuration being operated.~~

(11-1-94)

~~**05. Fuel Documentation.** Records of fuel purchases. These shall be supported by invoices which show date, location, quantity and type of fuel. Records of fuel purchases shall denote usage per each vehicle.~~

(11-20-91)

~~**06. Mileage Document.** Speedometer, odometer, hubometer readings by themselves are not acceptable records. Where this method is used, the miles traveled must be verifiable by another source, i.e., trip tickets, fuel purchases, daily logs, etc.~~

(11-20-91)

~~**07. Miles Per Gallon Documentation.** If miles traveled are determined by multiplying gallons of fuel times an average mile per gallon, the records must contain documentation of how the average mile per gallon was established.~~

(11-20-91)

~~**08. Documentation of Non-Taxable Miles.** If a percentage is used to determine the number of non-taxable miles that are included in total miles traveled, the records must contain supporting documentation as to how the percentage was determined.~~

(11-20-91)

~~**09. Quarterly Report Audit Trail.** Mileage shall be accumulated into monthly and quarterly summaries for each vehicle registered. Quarterly mileage reports shall be prepared from these summaries. A clear audit trail from source document to summary shall be provided.~~

(11-20-91)

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~~802. RETENTION OF RECORDS.~~

Records shall be retained for four (4) years from the date the quarterly report was due. (11-1-94)

~~803. ALTERNATE REPORTING METHOD, MULTIPLE WEIGHTS.~~

~~01. Alternate Reporting Method.~~ If an owner is operating vehicle combinations where the declared gross vehicle weight of the combination can be reduced by changing the configuration of the vehicle combination, an alternate reporting method is available. The alternate method may apply to owners who operate vehicle combinations consisting of multiple trailer units or owners who operate single trailer combinations where changes in the number of trailer axles or trailer sizes may reduce the declared gross vehicle weight. To use the alternate method: (11-1-94)

~~a.~~ The owner must apply to use multiple weight reporting by complying with Sections 804 and 805 of this rule. (11-1-94)

~~b.~~ A vehicle configuration can not be less than sixty-two thousand (62,000) pounds declared gross vehicle weight. (11-1-94)

~~c.~~ The owner must register the motor vehicle at the declared combined gross vehicle weight that represents the heaviest vehicle configuration to be used. (11-1-94)

~~d.~~ The owner may apply for up to two (2) maximum gross weights for each combination in addition to the gross weight declared at the time of registration. (11-1-94)

~~02. Multiple Weight Reporting.~~ When reporting at multiple weights, the owner may report and pay for miles at a reduced weight based upon the declared gross vehicle weight of the vehicle configuration, as configured for each trip segment, which was set forth in the multiple weight reporting application. Idaho law does not allow for a reduction of the declared gross vehicle weight based upon actual laden weight or empty weight, i.e., whether loaded or empty the reporting weight is either the registered declared gross vehicle weight or the declared gross vehicle weight based upon the reduced configuration. (11-1-94)

~~804. APPLICATION REQUIREMENTS, MULTIPLE WEIGHTS.~~

~~01. Application for Alternate Reporting Method.~~ An owner who qualifies to use the provisions of Section 803 may only do so after submitting a properly completed application to the Department setting forth the required information. Retroactive filing of the application will not be accepted or approved, except when requested within the current calendar year. Owners who do not submit an application are deemed to have made a decision not to use the multiple weight reporting method. An owner who attempts to use multiple weight reporting without approval will have the fee recalculated to the declared gross vehicle weight upon audit, and the additional fee due plus penalties will be levied. (11-1-94)

~~02. Annual Application.~~ After the initial filing the owner is required to file an application for multiple weight reporting annually, setting forth the description of each tractor, truck tractor and trailer, the gross weights designated for each tractor or truck tractor, and any other information the Department may require. The owner is required to update the application

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during the course of the year with any additions or deletions in equipment that may occur during the year. (11-1-94)

~~03. **Renewal Application.**~~ Once an owner has applied and received approval to use multiple weight reporting, the Department will mail to the owner a renewal application each year providing the owner maintains the correct address on the Department's files. However, failure to receive the renewal application and return it to the Department shall not be construed as a valid reason for reporting at multiple weights without having filed the application and received approval. (11-1-94)

~~04. **Duplicate Forms.**~~ Receipt of quarterly reporting forms that are a result of the owner's registration application that duplicate the forms that would be obtained by filing the annual application to report at multiple weights does not mitigate the owner's responsibility to file the annual multiple weight reporting application. (11-1-94)

~~805. **RECORD-KEEPING REQUIREMENTS, MULTIPLE WEIGHTS.**~~

~~01. **Owners Responsibility.**~~ It is the owner's responsibility to develop an adequate record keeping system which will clearly identify and support the miles reported by individual vehicle configuration. An acceptable source document is some type of Individual Vehicle Mileage Record (IVMR) for each trip containing the following basic information which must be contained on a single document: (11-1-94)

- ~~a. Date of trip (starting and ending). (12-26-90)~~
- ~~b. Trip origin and destination. (12-26-90)~~
- ~~c. Route of travel (including pick up and delivery locations). (11-20-91)~~
- ~~d. Total trip miles. (12-26-90)~~
- ~~e. Mileage by state. All miles traveled on state highways, county and highway district highways and city highways are taxable. (8-4-95)~~
- ~~f. Unit number. (12-26-90)~~
- ~~g. Vehicle fleet number, if any. (12-26-90)~~
- ~~h. Owner's name. (11-1-94)~~
- ~~i. Trailer unit number. The IVMR must clearly show what configuration the combination of vehicles was in for each trip by showing the trailer unit number(s) on the IVMR. If trailers were dropped or added during a trip, the miles of travel in each configuration must be shown on the IVMR by adding or deleting trailer unit numbers. (11-20-91)~~
- ~~j. Gross weight carried in each configuration if registered or reporting a vehicle configuration at a gross weight less than allowable under Section 49-1001, Idaho Code. (11-1-94)~~

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~~k.~~ If more than one (1) weight is declared for a single, double, or triple configuration, the owner must maintain a master list of trailers that shows unit number and size of each.

(11-1-94)

~~l.~~ Driver's name.

(11-20-91)

~~m.~~ Commodity hauled if registered as a special commodity carrier.

(11-1-94)

~~02. Changes in Gross Vehicle Weight.~~ For registration purposes, any change in the declared gross vehicle weight of the truck or truck tractor must be accompanied by a properly completed supplemental registration (IRP) application for apportioned owners or by application to increase the declared gross weight by intrastate or fully licensed owners.

(11-1-94)

~~03. Information Changes.~~ Any change in the information provided on the multiple weight application form such as adding or deleting vehicles or increases in the declared combined gross vehicle weight must be provided to the Department on a revised application form.

(11-20-91)

~~04. Inadequate Record Systems.~~ If an adequate record keeping system is not devised to clearly identify the miles operated in each vehicle configuration, all miles reported will be reassessed at the highest gross vehicle weight declared at the time of registration. A reconstruction of records to identify the miles operated in each vehicle configuration will not be allowed.

(11-1-94)

~~806. TRAVEL AUTHORIZATIONS.~~

~~01. Method of Payment.~~ Travel authorizations are sold to owners to move an overweight load to a safe place to legalize the load. The fifty dollar (\$50) fee may be collected at the time the permit is issued or it may be remitted quarterly if the owner is based in Idaho. Owners based outside of Idaho or who are operating on a trip permit are required to pay for the travel authorization when it is issued.

(11-1-94)

~~02. Payment Due Date.~~ The travel authorization forms will specify the due date when the fee is to be remitted and the address of the receiving agency.

(11-1-94)

~~03. Compliance with Other Laws and Ordinances.~~ The travel authorization will be effective only insofar as the Department has authority for its issue and does not release the owner from complying with other existing laws, local ordinances or resolutions which may govern the movement.

(8-4-95)

~~8071. -- 9899. (RESERVED).~~

~~5200. APPEAL PROCEDURE.~~

~~01. Filing of Appeal.~~ An owner registrant wishing to contest a ~~decision on a~~ penalty ~~waiver~~ or suspension of a registration or an account may file an appeal within ten (10) days ~~from~~ ~~of~~ receipt of the notice ~~according to procedures specified in Section 49-436, Idaho Code.~~

(11-1-94)(____)

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PENDING RULE

02. Delivery of Appeal. The appeal must be either hand delivered or mailed to ~~Director~~ Commercial Vehicle Services Manager, Idaho Transportation Department, P.O. Box ~~34~~ 7129, Boise, Idaho 837~~34~~07-1129. ~~(11-20-91)~~(____)

03. Delivery of ~~Legal~~ Decision. A copy of the ~~Findings of Fact and Conclusions of Law~~ final decision in response to the request will be sent to the ~~owner~~ registrant. (11-1-94)

901. -- 599. (RESERVED).

TRANSPORTATION COMMITTEE

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.03.21 - RULES GOVERNING SPECIAL PERMIT FEES

DOCKET NO. 39-0321-0601 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 40-312, 49-201, and 49-1004, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

Fees collected by the overlegal permit program are intended to cover the administrative costs associated with permit processing, issuance and enforcement. As stated in this rule (100), and as approved by the Legislature, those costs are to be borne by the permittees and not by the general traveling public. (Tax supported agencies must obtain permits but are exempt from fees.) A 2005 cost study determined that administrative costs exceed permit receipts by more than \$800,000. An increase of \$15 per permit issued in this program will increase receipts by approximately \$1,000,000.

Pursuant to Section 67-5228, Idaho Code, typographical, transcriptional, and/or clerical corrections have been made to the rule and are being published with this Notice of Rulemaking as part of the pending rule. Section 100, contains an incorrect Idaho Code reference. Section 49-1002(2), should be 49-1004(2).

The text of the pending rule has been amended in accordance with Section 67-5227, Idaho Code. Only those sections that have changes that differ from the proposed text are printed in this bulletin. The complete text of the proposed rule was published in the September 6, 2006 Idaho Administrative Bulletin, Volume 06-9, pages 211 through 214.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased.

Each of the Overlegal permits specified in this rule which allow movement of vehicles or loads which are in excess of the sizes or weights allowed in sections 49-1001, 49-1002, or 49-1010, Idaho Code, will be increased by \$15 to cover the administrative costs associated with permit processing, issuance and enforcement. The majority of annual permits, currently issued at \$28 would increase to \$43. The Transportation Board is authorized to issue permits and set establish fees in Sections 49-201 and 49-1004, Idaho Code.

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IDAHO TRANSPORTATION DEPARTMENT
Rules Governing Special Permit Fees

Docket No. 39-0321-0601 (Fee Rule)
PENDING RULE

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:
N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Alan Frew, Motor Vehicle Administrator, 334-8809.

DATED this 15th day November, 2006.

THIS NOTICE WAS PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rule-making procedures. The action is authorized pursuant to Section(s) 40-312, 49-201, and 49-1004, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rule-making will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than September 20, 2006.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rule-making:

Fees collected by the overlegal permit program are intended to cover the administrative costs associated with permit processing, issuance and enforcement. As stated in this rule (100), and as approved by the Legislature, those costs are to be borne by the permittees and not by the general traveling public. (Tax supported agencies must obtain permits but are exempt from fees.) A 2005 cost study determined that administrative costs exceed permit receipts by more than \$800,000. An increase of \$15 per permit issued in this program will increase receipts by approximately \$1,000,000.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased.

Each of the Overlegal permits specified in this rule which allow movement of vehicles or loads which are in excess of the sizes or weights allowed in sections 49-1001, 49-1002, or 49-1010, Idaho Code, will be increased by \$15 to cover the administrative costs associated with permit processing, issuance and enforcement. The majority of annual permits, currently issued at \$28 would increase to \$43. The Transportation Board is authorized to issue permits and set establish fees in Sections 49-201 and 49-1004, Idaho Code.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars ((\$10,000) during the fiscal year

TRANSPORTATION COMMITTEE

IDAHO TRANSPORTATION DEPARTMENT
Rules Governing Special Permit Fees**Docket No. 39-0321-0601 (Fee Rule)**
PENDING RULE

resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rule-making was not conducted because proposed changes are consistent with legislative intent, previously approved in administrative code.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Alan Frew, Motor Vehicle Administrator, 334-8809.

Anyone may submit written comments regarding this proposed rule-making. All written comments must be directed to the undersigned and must be delivered on or before September 27, 2006.

DATED this 4th day of August, 2006.

Linda L. Emry, Management Assistant
Budget, Policy, Intergovernmental Relations
Idaho Transportation Department
3311 West State Street
P O Box 7129
Boise ID 83707-1129
Phone - 208-334-8810
FAX - 208-334-8195

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

39.03.21 - RULES GOVERNING ~~SPECIAL~~ OVERLEGAL PERMIT FEES

000. LEGAL AUTHORITY.

This rule, governing the movement of vehicles or loads which are in excess of the sizes or weights allowed by 49-1001, 49-1002 or 49-1010, is adopted under the authority of Sections 40-312, 49-201, and 49-1004, Idaho Code. ~~(10-2-89)~~()

001. TITLE AND SCOPE.

~~This rule states the amounts of special permit fees.~~ ~~(8-25-94)~~

01. Title. This rule shall be cited as IDAPA 39.03.21, "Rules Governing Overlegal Permit Fees," IDAPA 39, Title 03, Chapter 21. ()

02. Scope. This rule states the fees for overlegal permits. ()

002. WRITTEN INTERPRETATIONS.

There are no written interpretations for this chapter. ()

TRANSPORTATION COMMITTEE

IDAHO TRANSPORTATION DEPARTMENT
Rules Governing Special Permit Fees

Docket No. 39-0321-0601 (Fee Rule)
PENDING RULE

003. ADMINISTRATIVE APPEALS.

Administrative appeals under this chapter shall be governed by the rules of administrative procedure of the attorney general, IDAPA 04.11.01, "Idaho Rules of Administrative Procedure of the Attorney General". ()

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. ()

005. OFFICE -- OFFICE HOURS -- MAILING AND STREET ADDRESS -- PHONE NUMBERS.

01. Street And Mailing Address. The Idaho Transportation Department maintains a central office in Boise at 3311 W State Street with a mailing address of PO Box 7129, Boise ID 83707-1129. ()

02. Office Hours. Daily office hours are 7 a.m. to 5 p.m. except Saturday, Sunday and state holidays. ()

03. Telephone and Fax Numbers. The central office may be contacted during office hours by phone at 208-334-8420 or by fax at 208-334-8419. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

All records associated with this chapter are subject to and in compliance with the Idaho Public Records Act, as set forth in Sections 9-337 through 9-350, Idaho Code. ()

007. -- 009. (RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

100. COSTS TO BE BORNE BY PERMITTEE.

The movement of oversize or overweight vehicles or vehicles with over legal loads is a privilege not accorded every user of the highway. Administrative cost incurred in the processing, issuance and enforcement of ~~special~~ overlegal permits shall be borne by such permittees and not by the general traveling public through expenditure of highway user funds. Overlegal permits issued for non-reducible, overweight vehicles and/or loads will be charged a road use fee as set forth in Section 49-1004(2), Idaho Code. Tax supported agencies are required to obtain ~~special~~ overlegal permits if their loads exceed the sizes or weights stated in Idaho Code, but they are exempt from paying fees for the permits. (1-3-92)()

101. -- 199. (RESERVED).

200. PAYMENT OF ~~SPECIAL~~ OVERLEGAL PERMIT FEES.

01. Payment of Fees. The Idaho Constitution prohibits the state from extending credit

TRANSPORTATION COMMITTEE

IDAHO TRANSPORTATION DEPARTMENT Rules Governing Special Permit Fees

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PENDING RULE

to any individual, corporation, municipality or association. Permit fees are collectible at the time of issuance except that the permittee may guarantee payment of permit fees in advance by posting a bond in a minimum amount as specified in Section 300, Permit Fee Account Procedures of this rule. (8-25-94)

02. Refund. Permit fees are not refundable once they have been processed into the Department's accounting system, unless the permittee contacts the *Special Overlegal* Permit Office no more than two (2) working days (during office hours) following the start date of the *special overlegal* permit or the Department issued the *special overlegal* permit in error. (8-25-94)()

03. Permit Costs. *Special Overlegal* (oversize and/or overweight) permit fees listed below are intended to cover cost of administration and are subject to periodic change depending on costs incurred in processing, issuance and enforcement of *special overlegal* permit rules. ~~Use fees will be added to the cost of single trip oversize/overweight permits in accordance with Section 49-434(7), Idaho Code.~~ (8-25-94)()

04. Current Schedule of Fees. Periodic changes to the fee schedule will be subject to ~~the noted and~~ legislative review and approval procedures in accordance with Chapter 52, Title 67, Idaho Code, Administrative Procedure Act. (8-25-94)()

- a. Oversize only, single trip, ~~thirteen~~ twenty-eight dollars (\$~~1328~~). (8-25-94)()
- b. Oversize only, two (2) trips, ~~eighteen~~ thirty-three dollars (\$~~1833~~). (8-25-94)()
- c. Oversize single trip exceeding sixteen (16) feet wide, or sixteen (16) feet high or one hundred ten (110) feet long, ~~thirty-eight~~ fifty-three dollars (\$~~3853~~). (8-25-94)()
- d. Oversize only, two (2) trips within seven (7) days, exceeding sixteen (16) feet wide, or sixteen (16) feet high or one hundred ten (110) feet long, ~~fifty-six~~ seventy-one dollars (\$~~5671~~). (8-25-94)()
- e. Oversize only, annual, twelve (12) consecutive months: Extra length combinations exceeding the limits imposed in Section 49-1010, Idaho Code, on designated routes; Overlength only; Manufactured homes, modular building and office trailers; Recreation vehicles up to twelve (12) feet wide, legal length/height; Farm tractors exceeding nine (9) feet width on Interstate and implements of husbandry; Cylindrical hay bales, two (2) wide; Emergency removal of disabled vehicles; Multiple width loads of crane booms; Multiple width loads of conveyer units; Reducible loads, up to and including fourteen (14) feet nine (9) inches high; and exceeding sixty-five (65) feet overall combination length on magenta coded routes; ~~twenty-eight~~ forty-three dollars (\$~~2843~~). (8-25-94)()
- f. Excess weight annual, twelve (12) consecutive months, authority to exceed eighty thousand (80,000) lbs. on reducible loads up to one hundred five thousand five hundred (105,500) pounds, ~~twenty-eight~~ forty-three dollars (\$~~2843~~). (8-25-94)()
- g. Extra Length/Excess Weight (reducible) combination, annual, twelve (12) consecutive months, ~~thirty-eight~~ fifty-three dollars (\$~~3853~~). (8-25-94)()

TRANSPORTATION COMMITTEE

IDAHO TRANSPORTATION DEPARTMENT Rules Governing Special Permit Fees

Docket No. 39-0321-0601 (Fee Rule)
PENDING RULE

h. Overweight/Oversize or Overweight only (non-reducible) single trip, ~~eighteen~~ thirty-three dollars (~~\$1833~~). (8-25-94)(____)

i. Overweight/Oversize or Overweight only (non-reducible), two (2) trips, ~~twenty-eight~~ forty-three dollars (~~\$2843~~). (8-25-94)(____)

j. Overweight/Oversize (non-reducible) single trip, exceeding sixteen (16) feet wide, or sixteen (16) feet high or one hundred ten (110) feet long, ~~thirty-eight~~ fifty-three dollars (~~\$3853~~). (8-25-94)(____)

k. Overweight/Oversize (non-reducible) two (2) trips within seven (7) days, exceeding sixteen (16) feet wide, or sixteen (16) feet high or one hundred ten (110) feet long, ~~fifty-six~~ seventy-one dollars (~~\$5671~~). (8-25-94)(____)

l. Overweight/Oversize (non-reducible) annual permit fee for twelve (12) consecutive months, ~~forty-three~~ fifty-eight dollars (~~\$4358~~). (8-25-94)(____)

m. ~~Special~~ Overlegal permit manual (plus current sales tax for Idaho residents), five dollars (\$5). (8-25-94)(____)

n. Fee for reissuance or transfers, ~~ten~~ fifteen dollars (\$105). (1-3-92)(____)

201. -- 299. (RESERVED).

300. PERMIT FEE ACCOUNT PROCEDURES.

01. Permit Fee Account. To establish a basis for the issuance of ~~special~~ overlegal permits on other than a cash basis, the permittee may guarantee permit fees by posting a surety bond. The bond shall have a minimum value of one thousand dollars (\$1,000) or be equal to the value of permits required by the permittee during any three (3) consecutive months, whichever is greater. (1-1-90)(____)

02. Bond Requirements. Surety bonds for this purpose shall be furnished by a bonding or insurance company licensed to do business in Idaho. Applications to establish permit fee accounts shall be obtained from and filed with the ~~Maintenance Section~~ department along with the required bond. (10-2-89)(____)

TRANSPORTATION COMMITTEE

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.03.62 - RULES GOVERNING LOGO SIGNS

DOCKET NO. 39-0362-0601 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 40-312, 40-313, 40-1911(5), and 67-5229, Idaho Code, and U.S.C. Title 23, Chapter 1, 131 and 156.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The document incorporated by reference has been revised to reflect the current edition of the Manual on Uniform Traffic Control Devices (MUTCD), 2003 Edition, including Revision One, dated July 21, 2004, as adopted by the State, effective April 1, 2005. Changes include provisions for attractions, 24-hour pharmacies, and RV friendly symbols on logo signs. Facilities are also allowed to operate under conditional qualification. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Volume 06-10, pages 530 and 531.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 67-5229(4), Idaho Code. The application fee increase for new logo signs, from \$75 to \$100, makes it consistent with the fee for changing a sign design. The logo trailblazer fee of \$100 is removed and replaced with a \$25 annual fee which will offset some cost of installation, on-going maintenance labor, and the post assembly. The entire fee schedule can be found in the document incorporated by reference. See the Logo coordinator contact list on-line to find a contact person near you to obtain a copy: <http://itd.idaho.gov/highways/ops/Traffic/PUBLIC%20FOLDER/Policies/Logo/LOGO%20Contacts.pdf>.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Brent Jennings, Highway Operations and Safety Manager, 334-8557.

DATED this 15th day of November, 2006.

TRANSPORTATION COMMITTEE

IDAHO TRANSPORTATION DEPARTMENT
Rules Governing Logo Signs

Docket No. 39-0362-0601
PENDING RULE

THIS NOTICE WAS PUBLISHED WITH THE PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking procedures. The action is authorized pursuant to Section(s) 40-312, 40-313, 40-1911(5), and 67-5229, Idaho Code, and U.S.C. Title 23, Chapter 1, 131 and 156.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2006.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a non-technical explanation of the substance and purpose of the proposed rulemaking:

The document incorporated by reference has been revised to reflect the current edition of the Manual on Uniform Traffic Control Devices (MUTCD), 2003 Edition, including Revision One, dated July 21, 2004, as adopted by the State, effective April 1, 2005. Changes include provisions for attractions, 24-hour pharmacies, and RV friendly symbols on logo signs. Facilities are also allowed to operate under conditional qualification.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased.

The application fee increase for new logo signs, from \$75 to \$100, makes it consistent with the fee for changing a sign design. The logo trailblazer fee of \$100 is removed and replaced with a \$25 annual fee which will offset some cost of installation, on-going maintenance labor, and the post assembly. The entire fee schedule can be found in the document incorporated by reference. See the Logo coordinator contact list on-line to find a contact person near you and to obtain a copy of the incorporated document: <http://itd.idaho.gov/highways/ops/Traffic/PUBLIC%20FOLDER/Policies/Logo/LOGO%20Contacts.pdf>.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars ((\$10,000)) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rule-making was not conducted because changes to the document incorporated by reference are based on conformance with the current publication of the MUTCD, adopted by the state, effective April 1, 2005.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Brent Jennings, Highway Operations and Safety Manager, 334-8557.

TRANSPORTATION COMMITTEE

IDAHO TRANSPORTATION DEPARTMENT
Rules Governing Logo Signs

Docket No. 39-0362-0601
PENDING RULE

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 25, 2006.

DATED this 23rd day of August, 2006.

Linda L. Emry, Management Assistant
Budget, Policy, Intergovernmental Relations
Idaho Transportation Department
3311 West State Street
P O Box 7129, Boise ID 83707-1129
Phone - 208-334-8810
FAX - 208-334-8195

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

000. LEGAL AUTHORITY.

The Idaho Transportation Board adopts this rule under the authority of Sections 40-312, 40-313, 40-1911(5) and 67-5203429, Idaho Code, and U.S.C. Title 23, Chapter 1, 625 131 and 655 156.
(4-5-00)()

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as *Rules of the Idaho Transportation Department*, IDAPA 39.03.62, "Rules Governing Logo Signs".
(4-5-00)()

02. Scope. These ~~publication~~ rules provides regulations for the installation and administration of ~~motorist information~~ specific service signs ~~giving specific information in the interest of the traveling public~~ informing motorists of gas, food, lodging, and camping, attractions, and 24-hour pharmacies with their related tourist services, which are available at facilities accessible to and from eligible interchanges.
(4-5-00)()

002. WRITTEN INTERPRETATIONS.

This agency does not rely on written interpretations for these rules. ()

003. ADMINISTRATIVE APPEALS.

All contested cases shall be governed by the provisions of IDAPA 04.11.01. "Idaho Rules of Administrative Procedure of the Attorney General." ()

0024. INCORPORATION BY REFERENCE.

The Idaho Transportation Board incorporates by reference its ~~September 1998~~ April 2007 publication titled "Standards and Procedures for Specific Service Signs ~~Giving Specific Information in the Interest of the Traveling Public Along~~ on the Interstate Highways and Other Fully Controlled Access Highways (Logo Signs)." (4-5-00)()

TRANSPORTATION COMMITTEE

IDAHO TRANSPORTATION DEPARTMENT
Rules Governing Logo Signs

Docket No. 39-0362-0601
PENDING RULE

005. OFFICE -- OFFICE HOURS -- MAILING AND STREET ADDRESS -- PHONE NUMBERS.

01. Street and Mailing Address. The Idaho Transportation Department maintains a central office in Boise at 3311 W. State Street with a mailing address of PO Box 7129, Boise ID 83707-1129. ()

02. Office Hours. Daily office hours are 8:00 a.m. to 5:00 p.m. except Saturday, Sunday and state holidays. ()

03. Telephone and FAX Numbers. The central office Traffic Section may be contacted during office hours by phone at 208-334-8557 or by fax at 208-334-4440. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

All records associated with this chapter are subject to and in compliance with the Idaho Public Records Act, as set forth in Sections 9-337 through 9-350, Idaho Code. ()

0037. -- 099. (RESERVED).

100. GENERAL.

Copies of the ~~program~~ publication and applications for signing may be obtained from the Department's ~~Traffic Supervisor~~ Logo Coordinator at the Headquarters Office in Boise or from a District Office in Coeur d'Alene, Lewiston, Boise, Shoshone, Pocatello, or Rigby. The Logo coordinator contact list is available on-line at: <http://itd.idaho.gov/highways/ops/Traffic/PUBLIC%20FOLDER/Policies/Logo/LOGO%20Contacts.pdf>. (4-5-00)()

TRANSPORTATION COMMITTEE

IDAPA 39 - IDAHO TRANSPORTATION DEPARTMENT

39.03.64 - RULES GOVERNING TOURIST ORIENTED DIRECTIONAL SIGNS (TODS)

DOCKET NO. 39-0364-0601 (FEE RULE)

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2007 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 40-312, 40-313, 40-1911(5), and 67-5229, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The document incorporated by reference has been revised to reflect the current edition of the Manual on Uniform Traffic Control Devices (MUTCD), 2003 Edition, including Revision One, dated July 21, 2004, as adopted by the State, effective April 1, 2005. Changes include provisions for RV friendly symbols on tourist oriented directional signs and signing for facilities located in a bypassed community. Facilities are also allowed to operate under conditional qualification. The pending rule is being adopted as proposed. The original text of the proposed rule was published in the October 4, 2006 Idaho Administrative Bulletin, Volume 06-10, pages 532 and 533.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 67-5229(4), Idaho Code. This rule-making adds a \$25 installation fee for TODS trailblazer signs which covers the cost to fabricate the signs, not the labor or materials to install. It also adds a \$50 fee for sign relocation (removal and reinstallation). Both have been added to maintain consistency between the standards for TODS and Logos. When collected, the \$25 fee will be deposited in the State Highway Account.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Brent Jennings, Highway Operations and Safety Manager, 334-8557.

DATED this 15th day of November, 2006.

THIS NOTICE WAS PUBLISHED WITH THE PROPOSED RULE

TRANSPORTATION COMMITTEE

IDAHO TRANSPORTATION DEPARTMENT
Rules Governing Tourist Oriented Directional Signs

Docket No. 39-0364-0601
PENDING RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has proposed rulemaking procedures. The action is authorized pursuant to Section(s) 40-312, 40-313, 40-1911(5), and 67-5229, Idaho Code, and U.S.C. Title 23, Chapter 1, 131.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 18, 2006.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a non-technical explanation of the substance and purpose of the proposed rule-making:

The document incorporated by reference has been revised to reflect the current edition of the Manual on Uniform Traffic Control Devices (MUTCD), 2003 Edition, including Revision One, dated July 21, 2004, as adopted by the State, effective April 1, 2005. Changes include provisions for RV friendly symbols on tourist oriented directional signs and signing for facilities located in a bypassed community.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased.

This rulemaking adds a \$25 installation fee for TODS trailblazer signs which covers the cost to fabricate the signs, not the labor or materials to install. It also adds a \$50 fee for sign relocation (removal and reinstallation). Both have been added to maintain consistency between the standards for TODS and Logos. When collected, the \$25 fee will be deposited in the State Highway Account. See the TODS coordinator contact list on-line to find a contact person near you and to obtain a copy of the incorporated document: <http://itd.idaho.gov/highways/ops/Traffic/PUBLIC%20FOLDER/Policies/TODS/TODS%20Contacts.pdf>.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars ((\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULE-MAKING: Pursuant to IDAPA 04.11.01.811, negotiated rule-making was not conducted because changes to the document incorporated by reference are based on conformance with the current publication of the MUTCD, adopted by the state, effective April 1, 2005.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Brent Jennings, Highway Operations and Safety Manager, 334-8557.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 25, 2006.

TRANSPORTATION COMMITTEE

IDAHO TRANSPORTATION DEPARTMENT
Rules Governing Tourist Oriented Directional Signs

Docket No. 39-0364-0601
PENDING RULE

DATED this 23rd day of August, 2006.

Linda L. Emry, Management Assistant
Budget, Policy, Intergovernmental Relations
Idaho Transportation Department
3311 West State Street
P O Box 7129, Boise ID 83707-1129
Phone - 208-334-8810 / FAX - 208-334-8195

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

000. LEGAL AUTHORITY.

The Idaho Transportation Board adopts this rule under the authority of Sections 40-312, 40-313, 40-1911(5) and 67-520~~34~~ 29, Idaho Code, and U.S.C. Title 23, Chapter 1, 131. ~~(3-17-99)~~()

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as ~~Rules of the Idaho Department of Transportation~~, IDAPA 39.03.64, "Rules Governing Tourist Oriented Directional Signs (TODS)." ~~(3-17-99)~~()

02. Scope. ~~This program is to~~ These rules provide regulations for the installation and administration of tourist oriented directional signing within the right-of-way of the primary and secondary highway system, excluding fully controlled access sections, for tourist oriented businesses (including seasonal agricultural products), services, and activities. ~~(3-17-99)~~()

002. WRITTEN INTERPRETATIONS.

This agency does not rely on written interpretations for these rules. ()

003. ADMINISTRATIVE APPEALS.

All contested cases shall be governed by the provisions of IDAPA 04.11.01. "Idaho Rules of Administrative Procedure of the Attorney General." ()

0024. INCORPORATION BY REFERENCE.

The Idaho Transportation Board incorporates by reference its ~~July, 1999~~ April 2007 publication titled "Standards and Procedures for Tourist Oriented Directional Signs (TODS) for ~~Services and Activities~~ Motorist Service Facilities Along ~~Primary and Secondary~~ the State Highways System Except Fully Controlled Access Highways." ~~(3-17-99)~~()

005. OFFICE -- OFFICE HOURS -- MAILING AND STREET ADDRESS -- PHONE NUMBERS.

01. Street and Mailing Address. The Idaho Transportation Department maintains a

TRANSPORTATION COMMITTEE

IDAHO TRANSPORTATION DEPARTMENT Rules Governing Tourist Oriented Directional Signs

Docket No. 39-0364-0601
PENDING RULE

central office in Boise at 3311 W. State Street with a mailing address of P O Box 7129, Boise ID 83707-1129. ()

02. Office Hours. Daily office hours are 8:00 a.m. to 5:00 p.m. except Saturday, Sunday and state holidays. ()

03. Telephone and FAX Numbers. The central office Traffic Section may be contacted during office hours by phone at 208-334-8557 or by fax at 208-334-4440. ()

006. PUBLIC RECORDS ACT COMPLIANCE.

All records associated with this chapter are subject to and in compliance with the Idaho Public Records Act, as set forth in Sections 9-337 through 9-350, Idaho Code. ()

0037. -- 099. (RESERVED).

100. GENERAL.

Copies of the ~~program~~ publication and applications for signing may be obtained from the Department's ~~Traffic Supervisor~~ TODS Coordinator at the Headquarters Office in Boise or from a District Office in Coeur d'Alene, Lewiston, Boise, Shoshone, Pocatello or Rigby. The TODS coordinator contact list is available on-line at: <http://itd.idaho.gov/highways/ops/Traffic/PUBLIC%20FOLDER/Policies/TODS/TODS%20Contacts.pdf>. ~~(12-11-90)~~ ()